

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,  
CITY OF MARTINSVILLE,  
PLAINTIFF,

v.

BRIAN DAVID HILL,  
DEFENDANT.

CASE NO: CR19000009-00

AMENDED EVIDENCE OR  
AMENDED MEMORANDUM

**2ND WITNESS LETTER; AMENDMEDED WITNESS LETTER; LEGAL**  
**ARGUMENTS AND AFFIDAVITS IN SUPPORT OF DEFENDANT'S**  
**“MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW**  
**EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME**  
**OF CONVICTION; NEW EVIDENCE OF SPOILIATION OF**  
**EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA;**  
**REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW**  
**HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING**  
**COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA**  
**FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL**  
**EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE,**  
**ALSO LIKELY DESTROYED” --- COURT CAN CONSTRUE AS AN**  
**AMDNEDED MEMORANDUM IN SUPPORT OF MOTION**

COMES NOW the Defendant, BRIAN DAVID HILL (“Defendant”), by and through himself pro se, and submits AMENDED additional pieces of evidence to this Honorable Court in support of Defendant's “MOTION FOR JUDGMENT OF ACQUITTAL BASED UPON NEW EVIDENCE WHICH COULD NOT BE ADMISSIBLE AT THE TIME OF CONVICTION; NEW EVIDENCE OF

SPOLIATION OF EVIDENCE COMMITTED BY COMMONWEALTH OF VIRGINIA; REQUEST FOR SANCTIONS AGAINST COUNSEL GLEN ANDREW HALL, ESQUIRE (OFFICER OF THE COURT) FOR VIOLATING COURT ORDERS FOR NOT TURNING OVER BODY-CAMERA FOOTAGE AND IT IS LIKELY DESTROYED AND BIOLOGICAL EVIDENCE OF BLOOD VIALS OBTAINED ON DAY OF CHARGE, ALSO LIKELY DESTROYED”.

**NOTE to Hon. Giles Carter Greer:**

1. Defendant is aware of things after reviewing over the case files which were given to him by the Office of Court appointed lawyer Matthew Scott Thomas Clark (“Mr. Clark”), case files turned over to Defendant on November 19 or 20, 2019.

2. Defendant is willing to submit under oath that the Defendant Brian David Hill had spoken with Mr. Clark sometime in September 2019 or October 2019, at his office. You can ask Mr. Clark for the dates of when Defendant had met with Mr. Clark for discussion of the case.

3. Defendant had asked Mr. Clark about the body-camera footage, and Mr. Clark had said that it was destroyed, or he cannot get the body-camera footage for Defendant’s case. He explained that the Martinsville Police Department had an evidence retention period for the body-cameras recorded by the Police, and it concerned the body-camera footage. He might have said around 6 months retention period, but the Defendant is not sure how of the number of months as per their policy. Defendant felt that it didn’t make sense as there was pending litigation of a criminal matter and so the general evidence retention period before destruction of evidence as per Martinsville Police policy or anything of that nature should not have applied to the body-camera footage on September 21, 2018, because of a pending criminal charge in the Court. Mr. Clark tried to insist Defendant to move on from that by claiming to Defendant and his family during

the meeting that the body-camera footage may hurt his case by pushing for it. That logic makes no sense and here is why.

1. If the body-camera footage recorded on September 21, 2018, was going to hurt Brian's case, then the Police Officer and the Commonwealth Attorney would have openly used this footage on December 21, 2018, against the Defendant during the General District Court trial. If that footage was so hurtful and would have presumably harmed the case of Brian David Hill in the Circuit Court, they would have openly retained that footage and submitted it as an Exhibit for their case in chief for the Jury Trial. They would have filed a notice to use such evidence. They did not, in fact Defendant kept writing asking for the body-camera footage and those letters were ignored instead.
2. The footage would have shown the facial features and horrible medical state of Brian David Hill at the time of him being questioned by Officer Robert Jones. It would have possibly shown discolored lips which is a symptom of Carbon Monoxide Gas poisoning. It would have shown the cuts and abrasions over Brian's body when he was questioned as to why he was naked. It would have proven that Brian David Hill was not medically cleared. If a psychologist like Dr. Rebecca K. Lochrer, PhD had reviewed over the body-camera footage, she may have had a different opinion on Brian's sanity at the time of the alleged incident. She may have decided Brian was insane at the time. The body-camera footage would have drawn very serious questions about Brian's health and wellbeing after Officer Robert Jones made a blatant false statement under oath that Brian David Hill was psychologically and medically cleared at the time of his arrest on September 21, 2018.

4. Judge Greer, the body-camera footage was destroyed to prevent you, prevent the jury, and prevent the officers of the Court from reviewing over the body-camera footage which would have drawn statements under oath by Robert Jones of MPD to possibly being that of perjury or false statements before the Court. The body-camera footage was video recorded evidence and is irrefutable. That is why Defendant believes it was destroyed, to prevent the affidavit of Robert Jones and his statements of Brian being medically cleared from going into conflict with the graphic video of Brian naked with cuts and abrasions on his body needing serious medical attention. The Jury would have saw the cuts and abrasions on Brian's body in the body-camera footage and would wonder why he was discharged from the Hospital so early, so quickly, without even checking his diabetic blood glucose and checking the laboratory results of the blood specimen. Instead, the bloodwork was destroyed, and the Commonwealth Attorney knew it or should have known it. They did not want the jury to see the appearance which conflicts with the previous statement under penalty of perjury by Robert Jones of Brian being medically and psychologically cleared as claimed under oath.

5. The lawyer Matthew Clark, Mr. Clark, had made excuses and he insinuated as if it was okay for the Martinsville Police to destroy evidence because that evidence may somehow hurt Brian Hill in his Circuit Court case, but if that was the case then they wouldn't have destroyed the body-cam footage. It appears as though Matthew Clark was afraid to file a request for a contempt proceeding against Glen Andrew Hall, maybe out of fear of retaliation. Brian David Hill does not fear retaliation by Glen Andrew Hall because Brian David Hill needs to be found innocent of his charge in order for his Supervised Release Violation to be overturned in Federal Court.

6. Defendant needs to be found innocent; it is more than just a misdemeanor. Defendant needs to prove his innocence; it is his need and will. Glen Andrew Hall contended that it is only a misdemeanor in his letter to the Court of Appeals of Virginia dated April 1, 2021. Court appointed attorney John Ira Jones, IV appointed to the appeal

had never shown Defendant that letter filed by Glen Andrew Hall on April 1, 2019. Defendant was never given an opportunity to respond to the false statements in that letter making accusations against Defendant. Glen Andrew Hall is wrong that it is only a misdemeanor. He knows this, he knew Defendant is under Supervised Release and would face Federal Arrest, just like when Mr. Hall had falsely pushed the capias knowing that Defendant was under arrest as per his Federal Probation conditions and would be arrested by the Feds. He knows and had lied to the Court of Appeals of Virginia in contending that Defendant is only convicted of a “misdemeanor”. It is not just a “misdemeanor”, it is a Federal Supervised Release Violation with it. Defendant is aware of this letter after Roberta Hill made a email request to the Deputy Clerk for the Appeal Records of his criminal appeals, prior to Defendant’s intention of filing a Petition for the Writ of Actual Innocence if necessary for overturning the wrongful conviction in the future. Defendant disagrees with the Commonwealth claiming that Defendant is frivolous and contending that Defendant is only convicted of a “misdemeanor” when it is more than that. If Defendant is legally innocent of this “misdemeanor”, then this does affect the Supervised Release Violation charge and conviction in Defendant being innocent of that charge as well. Both are interlocked. Both are involved here whether Glen Andrew Hall admits this or not. If Defendant is found legally innocent of the State charge, then he is innocent of the Federal Violation.

7. Overall, it seems like the body-camera footage would have helped Brian David Hill win, shown perjury by Officer Robert Jones making out in his statement under oath in the General District Court, it’s Chief Complaint, that Brian was psychologically and medically cleared, when the body-camera footage would have proven perjury of Officer Robert Jones. A few hours in a hospital with cuts and abrasions all over Brian Hill’s body would disprove claim of medical clearing. Defendant has shown his cuts and abrasions to his family on September 21, 2018, at the Hospital, he showed the abrasions on his stomach area. So, the body-camera footage would discredit Officer Robert Jones

and the Officer would have lost in General District Court, and that would include Commonwealth Attorney Glen Andrew Hall.

8. Defendant also saw in the case files re: Brian David Hill's case which Matthew Clark had kept during the pendency of the criminal case in the Circuit Court and General District Court case files, an attempt by the Commonwealth Attorney to push for a capias against Brian David Hill on January 28, 2019, for failure to appear. Brian likes to state as fact as was brought out by the Sheriff's Office, Brian David Hill was placed on a Federal Detainer on November 15, 2018, and was arrested by the U.S. Marshals Service on December 22, 2018. Defendant was arrested by the U.S. Marshals Service according to Federal Court document attached to this AMENDED EVIDENCE PLEADING. This is prime facie evidence that the Corrupt Commonwealth Attorney Glen Andrew Hall pushed for a capias against Brian David Hill knowing that Brian David Hill was in federal custody and under a Federal Detainer on November 15, 2018. Glen Andrew Hall knew the Feds took him away and still pushed for a CAPIAS against Brian David Hill knowing that Brian David Hill was going to be transferred by release to the Feds, not out of Jail. So, Glen Andrew Hall had defrauded the Court, Judge Greer. It is time for Glen Andrew Hall to face something similar to a capias. Glen Andrew Hall should be facing sanctions for lying to a judge or judges. He continues lying or making false or erroneous claims.

9. He pushed for a "failure to appear" knowing that Brian David Hill was in federal custody at the time. The Sheriff's Office knew that Brian David Hill would not be released from Jail to be free but released to the U.S. Marshals Service or the "Feds" is what they are called.

10. I am aware of the email printed out by Matthew Clark or printed out and given to Matthew Clark somehow saying "Re: Brian David Hill", "The Sheriff's Office

confirmed the Feds picked Mr. Hill up out of our custody. Once the Feds are finished with Mr. Hill they will let us know and he will be brought back and placed in the custody of the Martinsville City Jail to await his Misd. Appeal.” That was submitted by Nancy Sherman.

11. The Federal Detainer on the last page of the attached pieces of evidence for the Hon. Giles Carter Greer prove that Brian David Hill had been served or at least the Martinsville City Jail had been served as well as Brian David Hill with a Federal Detainer on November 15, 2018. Would they notify the Commonwealth Attorney Glen Andrew Hall, Esq. about this Federal Detainer??? You can bet your money on the fact that they were notified about the Federal Detainer. Yet this Commonwealth Attorney had pushed for a capias knowing that Brian David Hill was technically in Federal custody since November 15, 2018.

12. Glen Andrew Hall has been a dirty enough attorney to push for a capias in earlier 2019 through Nancy Sherman or Jeanie Nunn knowing that the Feds had detained Brian David Hill.

13. What is Defendant getting at here? That the Court can work both ways. If the Commonwealth Attorney alleges that Glen Andrew Hall or his office believes that Defendant Brian David Hill should be charged with a capias for simply being whisked away by Federal Marshals against his will and was forcefully detained against his will and put in Federal Correctional Institution at Butner, North Carolina to undergo a Court ordered mental evaluation which was ordered in Dec 26, 2018 (Order Committing Defendant for Psychiatric Evaluation as to Brian David Hill Psychiatric Exam due by 2/9/2019. An order was later put in extending the mental evaluation). So, it is clear that there was no capias here, because Defendant was not free and there was no bond at the time. The Commonwealth Attorney knew all of that and yet acted like it didn't happen and tried to push for a failure to appear.

14. That the Court can work both ways. If the Commonwealth can push for a capias for a situation that does not warrant such push, then the Defendant asks for the Commonwealth to be held in contempt of Court three times, for violating the Court Order asking for the discovery materials.

15. The Commonwealth Attorney and its witness Officer Robert Jones or Police Chief Officer G. E. Cassady knew about the request for body-camera footage. The reason why is because any letters mailed by Brian David Hill to the Martinsville Police during the pending case get forwarded to the Commonwealth Attorney. So, they all had known about the police body-camera footage. They knew Brian kept repeatedly asking for the body-camera footage.

16. Luckily FCI Butner, North Carolina had a photocopying machine for inmates, and luckily Brian's family mailed or put in a money order with enough money to pay for commissary items for Brian David Hill to buy copier cards to make photocopies of letters he had mailed to Police Chief G. E. Cassady asking for the body-camera footage repeatedly. Brian knew how important the body-camera footage was, and the Order for Discovery asked by you, your honor. You asked in your Order dated February 6, 2019 for the evidence which included the body-camera footage to be turned over the defense.

17. You said in your order dated February 6, 2019:

“(1) **Any relevant written or recorded statements** or confessions **made by the Defendant, or copies thereof**, or the **substance of any oral statements** or confessions made **by the Defendant to any law enforcement officer**, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to § 19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and, breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case,” (citations reformatted by Defendant, including usage of underline and bold markings to show areas of citation)



18. You said this in your written order, Hon. Giles Carter Greer. Defendant kept requesting over and over again for the body-camera footage during the video retention period and that footage should not have been destroyed during the pending criminal case litigation. That itself violates your Order and the Order of the General District Court on November 28, 2018.

19. Since the Commonwealth pushed for a capias for Defendant being in Federal Custody against his will and that shows that he could not possibly appear on January 28, 2019, the Feds would not allow Defendant to appear before your Court and the Commonwealth knew of that, and the Federal Detainer lodged against Martinsville City Jail which is under the authority of the Sheriff's Office in November 15, 2018, they knew Brian David Hill was not going home after the Trial in the General District Court, they knew Brian would have been in Fed custody but Glen Andrew Hall lies and makes out like Brian David Hill failed to appear as if willfully when that was a LIE, a big fat lie.

20. Since they were pushing for any contempt or capias or anything against Brian David Hill in 2019 for any possibly non-compliance with any Order of this Court or any Trial or hearing of this Court while Defendant was in federal custody, it will be the right thing to do to for Defendant to push for this Court to CHARGE Glen Andrew Hall with willfully violating Court Orders three different times, and for possibly lying to this Court.

21. It is the right thing to do to sanction Glen Andrew Hall, whether Defendant requests such or not. Lying to a Judge is not the right thing to do. Glen Andrew Hall is a liar. He lied in the Court of Appeals of Virginia in his STATEMENT OF FACTS in his OPPOSITION BRIEF to Defendant's Petition for Appeal (one of his petitions) that Brian worn "boots" when he was arrested for being naked. The Affidavit in the COMPLAINT by Officer Robert Jones never mentioned boots but was wearing shoes, the CRIMINAL COMPLAINT. So, it can be proven to you Hon. Giles Carter Greer that Attorney Glen

Andrew Hall is a liar, and that he had defied the General District Court's order dated November 28, 2018, and had defied your Circuit Court orders.

22. This is an AMENDED evidence and MEMORANDUM, and the letter was amended by Stella Forinash to include more relevant information here since the Commonwealth wanted to paint a picture of Brian David Hill which is untrue. Brian David Hill wanted to make sure that the Witness Letter is amended from the original one submitted on January 21, 2022.

23. There is one more piece of evidence Defendant submits to the Hon. Giles Carter Greer proving that the Defendant was not going to be able to have any appeal in the event if Defendant lost the Jury Trial on December 2, 2019, or if any Continuance was requested by Court appointed defense Attorney Matthew Scott Thomas Clark. It proves that the Feds interfered with the Criminal Trial process in this State Court, in violation of the Tenth Amendment of the United States Constitution. This piece of evidence was proof to the Circuit Court as to one of different reasons why Defendant had filed a Motion to withdraw his Appeal on November 12, 2019. The Feds did not respect the Trial De Novo and pushed for quick detainment of Brian David Hill and almost would have succeeded had Brian Hill or his attorney not orally spoken up regarding Brian David Hill's jury trial on December 2, 2019. Had it not been brought up orally by Renorda Pryor the Attorney for Defendant in the Federal case, they would have taken Brian Hill away again on September 12, 2019, and the Jury Trial would have been conducted without Brian Hill because the Feds would have taken Brian away in disrespect of the Circuit Court by the North Carolina Federal Judge, the Feds disregard for the Circuit Court, the Feds disregard for the Trial De Novo process, and the Feds disregard for the authority of Virginia.

24. The Hon. Giles Carter Greer should know that the Federal Court in Greensboro and Winston-Salem, North Carolina did not respect Virginia Law, the Federal Court did not respect the case law interpretations of the Court of Appeals of Virginia and neither of the Supreme Court of Virginia, they did not respect the Jury Trial process of the Circuit Court. Even Hon. Thomas David Schroeder said in transcript that: "So even if he were found not to be guilty beyond a reasonable doubt in a criminal court, that would not necessarily preclude this Court from finding him guilty on a preponderance basis because that's the burden of proof." Basically, the Federal Judge in Winston-Salem, North Carolina is disregarding the Virginia law laws and disregarding the findings of fact and law by the Circuit Court of Virginia or any Court law by Virginia, **complete usurpation of power by the Federal Court to coerce Brian to withdraw his appeal in the State Court.** This unconstitutional usurpation of power by the Federal Court as evidenced justifies that the withdrawing of appeal was not valid due to coercion by the Federal Court because Defendant was coerced by the Federal Court's assertion that Virginia law does not determine his guilt when the whole Supervised Release violation was over whether Brian Hill had violated Virginia Law or not. This is proof of coercion by Hon. Thomas David Schroeder for Brian to withdraw his appeal in Virginia. Page 9 of that Transcript in Exhibit 4 (EXHIBIT PAGE 38 and 39 OF 164 of the original Motion) the Motion for Judgment of Acquittal. It appears that the Federal Court did not respect the State Court process and refused to let Defendant go through his appeals. The Courts of Appeals are the main Courts of Law and judge the law rather than judging the facts. So, if a Court of Appeals found Defendant innocent, as a matter of law, then a Federal Judge had no Constitutional right to find Defendant in violation of his Supervised Release. It is no longer about a jury; it is about whether Defendant is legally innocent of Virginia Code § 18.2-387. Indecent exposure. The Federal Court interfered and thus forced Defendant to withdraw appeal, forced him into a situation.

25. Defendant has evidence of an audio recording between him and his attorney Matthew Scott Thomas Clark, and will file a copy with the Court upon request. This recording is not verbally stated as confidential, and there was no waiver of consent by Brian David Hill to record this conversation. Consent was given by Brian David Hill to record his own conversation. That audio recording was recoded by Defendant under one party consent statute and that audio recording is also being used in Defendant's 2255 Motion in Federal Court. Defendant has recorded the conversation with Mr. Clark where Mr. Clark insinuated that the Federal Supervised Release Violation and its final judgment rendered on September 12, 2019, may or may not affect the State case. Used that as another excuse to coerce Defendant to withdraw his appeal in the Circuit Court. Defendant is ready to present an Audio CD with such recording, provide a copy to the Commonwealth and to the Judge and to the Clerk upon request to expand the record. Defendant maintains this piece of evidence. This proves interference by the Federal Judge to coerce a withdraw of appeal. Not just coercion but Matthew Clark had asserted in the audio recording, that jurors from the Bible Belt will be coming in to the Trial and will wonder why he was out there naked, asserting that the Bible Belt jurors would want him convicted, the way he insinuated his arguments to Defendant to give up and withdraw appeal. Coercion is not an acceptable way to have somebody plead guilty or withdraw appeal. Coercion is not acceptable and was not done out of free will. Interference and coercion to have Defendant withdraw appeal is not rightful.

26. The Feds had set it up where Defendant would have to turn himself in to the Feds regardless of whether Brian David Hill had filed a continuance or not in the Circuit Court to find an expert witness or witnesses. Then if Defendant had arguably lost his Trial on December 2, 2019 and was arrested by the Sheriff after the verdict, he would have been charged with failure to appear in Federal custody by December 6, 2019, as ordered by Hon. Thomas David Schroeder. So, the Defendant had no ability to ask Matthew Clark to file a Motion with the Circuit Court for a continuance or go through on

State Appeal without interference because then that would likely have caused another request for a *capias*, either way he was doomed somehow and had no free will ability to prove his innocence in the State Court due to the interference by Judge Schroeder and it had caused Matthew Clark to coerce Defendant to give up fighting in the State. If Defendant had been arrested after any jury verdict of guilty, he would have gotten in trouble by the Federal Marshals because Judge Schroeder did not wait until after the State Appeals and the Courts of Law legal process would have gone through. If the Defendant had requested a continuance with the State Court, Defendant cannot guarantee appearance due to the Federal Court ordering Defendant to turn himself in to Federal Prison on December 6, 2019, to serve his Imprisonment without respecting the Virginia case laws. If the Jury Trial had lasted for more than four days, then the Defendant would be in legal trouble with the Feds for failure to turn himself into the Federal Prison on December 6, 2019. Either way, the Defendant was put in a bad position, and he is proving to the Court with this new evidence that the Feds have caused a lot of interference with the State Trial process. It's ironic, the whole Supervised Release Violation was over whether Brian had violated Virginia Law but didn't allow the Trial De Novo and it's legal interpretations of law to fully develop. This is interference by the Federal Court and the State Court needs to consider this fact as well for degerming whether the Defendant's Motion to Withdraw of Appeal was caused by coercion and interference.

27. Normally a Federal Court is supposed to exercise Judicial Restraint on interfering with a State Court Trial process until the State is done with a criminal defendant and all appeal or appeals exhausted, through comity or abstention. The Federal Court refused to let the Hon. Giles Carter Greer of this Circuit Court conduct full facts and legal contentions of whether Brian David Hill was guilty or innocent of Indecent Exposure, as a matter of law. So, the situation got tricky and required Defendant to withdraw appeal so that he could report to Federal Prison on December 6, 2019.

28. Defendant had multiple issues on why he was forced to withdraw appeal. He deserves a New Trial or Judgment of Acquittal or both.

29. Defendant wants this Court to understand that Defendant had no ability to file a continuance and had limited options because of the Imprisonment Order over the alleged charge on September 21, 2018 in the General District Court. The Defendant did not have any expert witnesses lined up partially because Matthew Clark claimed that Glen Andrew Hall would not approve of any request for payment of such expert witnesses to be paid for by the State. Defendant's grandparents agreed to pay for the expert witness for Brian Hill to fight to be found innocent, but Matthew Clark did not establish any expert witnesses and did not ask the Court for a continuance because he knew that the Defendant was revoked of Supervised Release and likely knew that Defendant was going to Federal Prison on December 6, 2019. So, the Defendant did not have the ability to clear his name in the Circuit Court in 2019. The Defendant has plenty of time for a new trial if the Judge wishes to construe his Motion as a request for a New Trial under Rule 3A:15. A judgment of Acquittal would be appropriate for clear cut evidence and law demonstrating innocence. When the law specifies clear-cut what proving lack of intent is, then having the evidence to support such law makes the FACT clear-cut and necessary for acquittal regardless of the verdict of guilty in the General District Court. The law makes it clear-cut that if Defendant has met a certain criteria, that criteria makes it a legal defense of no-intent. The clear-cut statutory reasoning makes the Defendant actually innocent aka legally innocent of his charge.

30. The evidence and law are clear cut thanks to “§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.” It is clear cut with the mental evaluation as ordered by the General District Court for competency that it demonstrated evidence of Autism Spectrum Disorder at the time of the charge. It is clear cut that the Indecent Exposure statute says, “Every person **who intentionally** makes an obscene display or exposure of his person”.

31. It is clear cut under the Law that proof of Autism Spectrum Disorder “shall be admitted if such evidence (i) tends to show the **defendant did not have the intent required** for the offense charged”. It is clear cut. Prior to this 2021st law, the finding of intent was up to the Trier of Fact, aka the Judge or Jury. That would make the interpretation of “intent” difficult to sustain as a fact of “non-intent” without a trier of fact in a Jury Trial or Bench Trial who tries the fact of disputed claims such as the defense attorney claiming that the Defendant did not have the intent to commit an act. When it is not clear cut, a Jury Trial or Bench Trial is best to let the trier of fact determine whether there was intent or not. That was prior to this new law. The Court of Appeals panel ruled in their opinion for the dismissal of Brian’s Petition for Appeal, that it is up to the trier of fact, because prior to Virginia Code “§ 19.2-271.6. Evidence of defendant's mental condition admissible...” that was the case law standard. That 2021st Virginia law could not have been brought up on direct appeal because the original Record on Appeal did not have those arguments preserved with exception to Brian David Hill preserving his Actual Innocence claim and that law had not existed at that time for that direct appeal of his criminal conviction. Defendant did not just file a Motion to Withdraw Appeal, Defendant had asked to preserve issues of his INNOCENCE even after the Court accepted the withdrawing of his appeal. He is innocent and the new Virginia Law supports his innocence.

32. However, that law had changed how a Court may rule on intent. Case law of Virginia involving “Intent” element decisions was not clear cut at the time based on older case law prior to the new law giving a clear cut definition of showing proof of a lack of intent. It would require a JURY TRIAL, prior to this law. Intent is now based on whether Defendant had Autism Spectrum Disorder at the time of the alleged incident. That was proven by the mental evaluation for competency, that Defendant had Autism Spectrum Disorder at the time of the alleged charge and offense allegation.

33. However, the new Virginia Law makes it clear cut in regards to the “INTENT” element that Defendant does not have the intent because of his Autism Spectrum Disorder pursuant to Virginia Code § 19.2-271.6. The lack of intent codified under § 19.2-271.6 now makes it possible that proving Autism Spectrum Disorder at the time of the alleged charge and incident, would prove that the Defendant did not have the intent required under Virginia Code § 18.2-387. Indecent exposure. It is not to be figured out by the Trier of Fact, it is now a matter of law as to whether the Defendant has “actual” “intent” or not. Did he actually have intent when he suffered and continues suffering from a permanent disability such as Autism Spectrum Disorder??? That is up to the law now and not the trier of fact. Defendant can be acquitted based on law and as a matter of law.

34. Defendant makes it clear with the evidence and the additional evidence submitted by the Defendant that the Circuit Court cannot convict Defendant of violating Virginia Code § 18.2-387. Indecent exposure. This Court as a matter of law must enter a judgment of acquittal or new trial or Writ of Actual Innocence based upon the evidence admitted by the Court regarding the sanity and competency evaluation proving that Brian David Hill had Autism Spectrum Disorder and Obsessive Compulsive Disorder under expert witness evaluator Dr. Rebecca K. Lochrer, PhD, the new evidence to be admitted by the Court pursuant to Virginia Code § 19.2-271.6. The Commonwealth of Virginia did not object to the original witness testimony of Dr. Rebecca K. Lochrer, PhD. At the time her evaluation report could not have been used as evidence of Defendant’s innocence because that evaluation was only to determine sanity and/or competency. However, her report to the General District Court admitted that Defendant had Autism Spectrum Disorder. That was not disputed by the Commonwealth Attorney



since the evaluation was originally conducted to determine sanity and competency. The law had changed.<sup>1</sup>

35. It is clearcut that the Circuit Court erred by accepting the withdraw of appeal. It is clearcut that the Defendant is innocent due to Virginia Code § 19.2-271.6. Proof of Defendant lacking intent is clearcut due to Virginia Code § 19.2-271.6 due to law instead of based upon the trier of fact based on older case law prior to the passage of § 19.2-271.6. The intent element can never be proven due to prima facie evidence of Autism Spectrum Disorder, pursuant to Virginia Code § 19.2-271.6. There was no law of § 19.2-271.6 in November 18, 2019, and December 21, 2018, there was no law with a clear-cut criminal defense on intent and thus under older law it would have been up to a Jury as to whether or not Brian Hill had intent to violate Virginia Code § 18.2-387. Indecent exposure. Now with a statute making a clear-cut definition that somebody with an Autism Spectrum Disorder at the time of the alleged offense charge does not have the “intent” necessary to convict the Defendant of violating any Virginia law requiring intent (except any law violations ever marked as excluded from such defense) including Virginia Code § 18.2-387. Defendant had demonstrated that he is legally innocent of Virginia Code § 18.2-387. Defendant cannot have any intent due to his Autism Spectrum Disorder as raised by the clear cut statutory provisions of law.

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<sup>1</sup> For the sake of brevity, Defendant will not reproduce the findings in the sealed report (report under SEAL) from Dr. Rebecca K. Lochrer of both the evidence that Brian David Hill had suffered from an Autism Spectrum Disorder at the time of the alleged offense allegation and that proof the qualified evaluator was not objected to by the Commonwealth Attorney. Defendant hereby incorporates by reference, as if fully set forth herein, all pages of the SEALED mental evaluation report as evaluated and was filed in the General District Court.

36. The Commonwealth Attorney had deceived the Court regarding the spoliation of evidence and/or about the capias while Defendant was in Federal custody as if it was necessary after the Federal Detainer filed with the Martinsville City Jail on November 15, 2018, and the Arrest Warrant that the U.S. Marshals arrested Brian Hill on December 22, 2018. Defendant had demonstrated that the Commonwealth Attorney did allow and permit spoliation of evidence despite the multiple letters asking the Martinsville Police Department to send the body-camera footage to the defense counsel or permit the defense counsel access to or a copy of it. Defendant made photocopies of those letters to the Police Chief regarding the body-camera footage because the Federal Prison FCII Butner had a photocopying machine for inmates for those who purchased copier cards from the Prison Commissary and Brian David Hill had commissary money to buy copier cards to make copies of letters mailed to G. E. Cassady, the Police Chief of the City of Martinsville. Defendant had demonstrated that Glen Andrew Hall either deceived the Court or allowed destruction of evidence in violation of the three Court Orders or both.

**DEFENDANT SUBMITS THE FOLLOWING EVIDENCE:**

EVIDENCE ATTACHMENT	PAGE RANGE	DESCRIPTION
AMENDED WITNESS LETTER #1	1-10 (27-36)	WITNESS LETTER FROM STELLA FORINASH
UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT	11-14 (37-40)	UNSWORN DECLARATION FROM ROBERTA HILL IN SUPPORT
WITNESS LETTER #2	15-22 (41-48)	WITNESS LETTER FROM KENNETH R. FORINASH
WARRANT FOR ARREST OF SUPERVISED RELEASE	23-23 (49-49)	WARRANT FOR ARREST OF

VIIOLATOR In December 22, 2018, PROVING CAPIAS WAS WRONGFUL		SUPERVISED RELEASE VIOLATOR In December 22, 2018, PROVING CAPIAS WAS WRONGFUL
PHOTOCOPY OF SERVED FEDERAL ARREST DETAINER DATED NOVEMBER 15, 2018	24-24 (50-50)	PHOTOCOPY OF SERVED FEDERAL ARREST DETAINER DATED NOVEMBER 15, 2018
JUDGMENT AND COMMITMENT, Supervised Release Violation Hearing dated October 7, 2019	25-26 (51-52)	JUDGMENT AND COMMITMENT, Supervised Release Violation Hearing (WHOLE ORDER, two pages of 16 page Federal filing but the rest aren't relevant and material to the facts presented in this pleading)

52 pages total

#### DEFENDANT SUBMITS THE FOLLOWING VIDEO EVIDENCE:

Also, the Defendant's family had uploaded a YouTube video of testimony under Oath and demonstration of physical evidence for the Court. Defendant's family uploaded that YouTube video of Defendant's testimony video and provided him the link to the playable video with the Court until a physical DVD disc can be mailed at a later time to be filed by the Clerk as physical evidence. Defendant hereby submits this VIDEO EVIDENCE TESTIMONY UNDER OATH, UNSWORN DECLARATION UNDER VIRGINIA LAW.

Defendant submits this YouTube video link to the Judge and the Court as evidence:

<https://www.youtube.com/watch?v=5PMalR45MSo> - Video Testimony of Brian David

**Hill on January 5, 2022 2nd Iteration**

Dated January 6, 2022

Disclaimer: Link and information were all given to Defendant by family and no internet was used to obtain the link text and description text used to present this evidence.

**DEFENDANT SUBMITS THE FOLLOWING AUDIO EVIDENCE:**

<https://archive.org/details/e-3-20190924130648-i-2766344000> - Digital audio file of what is being filed in Federal Court in the new 2255 Motion. As part of Exhibit 3 in Brian's Federal 2255 Motion: An Audio CD disc (digital audio file located at the link given by Brian's family to present to the Court for quickly review by the Judge) containing a 21 Minute, 25 Seconds audio clip of a phone call conference recording between Brian David Hill 276-790-3505 and Attorney Matthew Scott Thomas Clark 276-634-4000. Dated September 24, 2019. File reports time of 2:27PM. Attorney/client privilege for this audio waived. Audio for Exhibit 3 for usage in Federal 2255 Motion and for Martinsville Commonwealth case as well.

37. Audio evidence proves that the Federal Court's interference with the revocation had triggered a change in Attorney Matthew Clark to insist that Defendant withdraw his appeal and accept the decision of the General District Court.

38. Defendant recommends to Hon. Giles Carter Greer that the Court can work both ways not just against Defendant or against Plaintiff, but that the other side also be held accountable. Plaintiff being attorney Glen Andrew Hall who represents the Commonwealth of Virginia. Defendant recommends that it is time for Glen Andrew Hall

to be held accountable for willful disregard of this Court's multiple Orders asking for the discovery evidence materials which includes the body-camera footage and preserving evidence of biological sample of blood obtained from Defendant on September 21, 2018. Normally evidence is destroyed to cover up or omit something. It is logical to believe that is so.

39. Normally if a criminal defendant or an individual destroys evidence of a crime, a criminal defendant or an individual who destroys evidence of a crime can face more charges for destroying evidence or obstructing justice to prevent a police officer from finding evidence of a crime. What about if the Commonwealth or Martinsville Police Department destroys evidence pursuant to a criminal investigation or charge??? Will the Commonwealth be held to the same standard as an individual who arguably destroys evidence to obstruct a Police Officer's ability to find evidence of a crime?

40. It is logical to believe that the blood vials obtained on September 21, 2018, were destroyed and that biological evidence was destroyed either by willful neglect, incompetence, or outright cover up.

41. The Commonwealth knew that Brian David Hill was involved with the Feds and the Federal Detainer filed with Martinsville City Jail gave them a few months to document and have record or records proving that Brian David Hill was in Federal Custody, and yet he pushed for a capias for January 28, 2019. Defendant filed an Americans with Disabilities Act request while in Western Virginia Regional Jail which would have clued Glen Andrew Hall in that Defendant was in a jail and not free to appear before the hearing on January 28, 2019. Yet Glen Andrew Hall disregarded whatever records or evidence may have been served upon him by the Clerk of the Circuit Court showing Defendant in detainment and Mr. Hall had treated it as if Defendant was not in custody to even push for a capias.

42. Also, another piece of evidence is with the staff of the Circuit Court. Review over email: “RE: Request for ADA Accommodation” by “Donna Morris <dmorris@vacourts.gov>”; email date: “Thursday, January 17, 2019 3:16 PM””. That email as part of the Record of the Circuit Court “CORRESPONDECE” would have also been served with the Office of the Commonwealth Attorney and the Public Defender. It said an ADA Accommodation request was mailed from Brian David Hill “#00-21123, Western Virginia Regional Jail”. This also proves that Defendant was in Federal custody or some kind of custody in January 2019, and that Glen Andrew Hall should have reasonably known as this as the Commonwealth’s Attorney gets notifications from any of the pro se filings from Brian David Hill. Glen Andrew Hall pushed for a capias knowing that Brian David Hill was in custody. Glen Andrew Hall pushed for things under false pretenses. This is extremely concerning that we have such a Commonwealth Attorney being blatantly and patently dishonest and allowing destruction of evidence under his watch knowing that such evidence may disprove the Commonwealth’s case, it may prove that Defendant could not have been medically cleared in such a short period of time with cuts and abrasions all on his body when being filmed by the body-camera footage making statements. It is necessary that the Court move to punish Glen Andrew Hall, Esquire. He has lied about different things regarding Defendant and/or his case for far too long and Defendant cannot take this anymore. Defendant will not stand for this and be compelled to pay any legal fees for his only source of income protected under 42 U.S. Code § 407 - Assignment of benefits, Defendant is judgment proof according to the Social Security law. It doesn’t mean the Defendant is free of debt, but no Court may demand money protected from such garnishment or levying or any other court process. Defendant is the victim here. That is a separate issue and will not matter if Defendant is acquitted or found innocent by the Circuit Court. Acquittal will mean the legal debt will probably be entirely erased and any pending appeals can be dismissed for being moot. Defendant is the victim of the Commonwealth and their violations of Court Orders. This Court is the victim of

non-compliance by the Commonwealth with such Orders. Defendant complies with coming to every hearing as ordered by the Court. **Defendant had only not shown up at a hearing due to being in Federal custody which was against Defendant's will and the Feds did not respect making sure that Brian Hill would appear. The feds failed to make Brian appear and the Feds are at fault here.** Defendant was compliant with turning himself in to Martinsville City Jail by request of his lawyer Scott Albrecht after the Federal Court released Brian D. Hill and the Federal Marshals forgot to tell the State Court, that is on them, that is on the Feds. Brian Hill complies with any request of this Court. The Feds don't play by the rules and the Feds don't play by this Court's rules. The feds are their own power and authority, they are a different concern and Defendant should not be punished for anything the Feds had caused or problems that the Feds had created.

43. It is Glen Andrew Hall who needs to face justice and he needs to face accountability for violating the Court Orders, for allowing destruction of evidence during a pending criminal litigation, for not filing a response to the Court's Order regarding the destruction of evidence to come clean about the destruction of any evidence. Glen Andrew Hall could have filed a letter informing the Court that the body-camera footage was destroyed and made some excuse as to why. They didn't do any of that. Defendant has a valid reason for not appearing on January 28, 2019, he was in Federal Custody and the Sheriff's Office admitted he was in Federal custody because that same Sheriff's Office through Martinsville City Jail received a Federal Detainer for arrest on November 15, 2018. So, Defendant has clear and convincing evidence that the Commonwealth Attorney had no justification for a capias or failure to appear. They know that because they are corrupt. Glen Andrew Hall must be held accountable, they must. The evidence weighs heavily in favor of Brian David Hill.

Brian David Hill must be acquitted, found innocent, and his charge dismissed forever with prejudice.

Respectfully submitted with the Court, This  
the 24th day of January, 2022.

Brian D. Hill  
*Signed*

Brian D. Hill  
Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505



JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com



## **CERTIFICATE OF SERVICE, CERTIFICATE OF FILING**

I hereby certify that a true and accurate copy of the foregoing AMENDED

MEMORANDUM was faxed or emailed/transmitted by my Assistant Roberta Hill at  
[rbhill67@comcast.net](mailto:rbhill67@comcast.net) (due to Probation Conditions of not being allowed to use the  
Internet) or delivered this 24th day of January, 2021, to the following parties:

1. Commonwealth of Virginia
2. City of Martinsville



by having representative Roberta Hill filing his pleading on his behalf with the Court, through email address [rbhill67@comcast.net](mailto:rbhill67@comcast.net), transmit/faxed a copy of this pleading to the following attorneys who represent the above parties to the case:

Glen Andrew Hall, Esq. Commonwealth Attorney's Office for the City of Martinsville 55 West Church Street P.O. Box 1311 Martinsville, Virginia 24114/24112 Attorney for the Commonwealth Phone: (276) 403-5470 Fax: (276) 403-5478 Email: <a href="mailto:ahall@ci.martinsville.va.us">ahall@ci.martinsville.va.us</a>	Hon. Ashby R. Pritchett, Clerk of the Court Circuit Court for the City of Martinsville Phone: 276-403-5106 Fax: 276-403-5232 55 West Church Street, Room 205 P.O. Box 1206 Martinsville, VA 24114 Email: <a href="mailto:apritchett@vacourts.gov">apritchett@vacourts.gov</a>
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The reason why Brian David Hill must use such a representative to serve such pleading with the Clerk on his behalf is because Brian is currently still under the conditions of Supervised Release for the U.S. District Court barring internet usage without permission. Brian's Probation Officer is aware of Roberta Hill using her email for conducting court business concerning Brian Hill or court business with the Probation Office in regards to Brian David Hill. Therefore Roberta Hill is filing the pleading on Brian's behalf for official court business. Brian has authorized her to file the pleading. All exhibits or any exhibits with anything printed from any internet based service was printed and researched by Roberta Hill.

That should satisfy the Certificate of Service regarding letters/pleadings during the ongoing Covid-19 pandemic. If the Court wishes to contact the filer over any issues or concerns, please feel free to contact the filer Brian David Hill directly by telephone or by mailing. They can also contact c / o Roberta Hill at [rbhill67@comcast.net](mailto:rbhill67@comcast.net) and request that she forward the message and any documents or attachments to Brian David Hill to view offline for his review.

  
Signed  
Brian D. Hill

**U.S.W.G.O.**



Brian D. Hill

Defendant

Former news reporter of U.S.W.G.O. Alternative News

Ally of Q

310 Forest Street, Apartment 2

Martinsville, Virginia 24112

(276) 790-3505

JusticeForUSWGO.NL or JusticeForUSWGO.wordpress.com

Jan. 20, 2022

To Whom This May Concern:

I have been a witness Brian's entire life. I read the police report that Brian was medically and mentally cleared, and I have some questions to ask this court. How is it possible that someone who was diagnosed as having insulin dependent diabetes with seizures before the age of two years old and autism (PDD) before the age of three and diagnosed with OCD miraculously be medically cleared? Brian has been on SSI Disability since 1992 due to his serious disabilities and remains on SSI to this day so even though we wished it was true that when the police arrested him, he was miraculously medically & mentally cleared, he wasn't.

There is no longer carbon monoxide in his house since the chimney expert removed the tin in Jan. 2019, and there have been no more episodes of his being out of the house by himself at any time, and Brian continues taking his emergency supplies with him when he leaves the house. That night according to a later police testimony, Brian was so out of it that he had no emergency supplies, nothing that would have clued the policeman to the fact that Brian was a diabetic who required insulin, glucose tester and glucose tablets. Brian was not aware that he had diabetes that night, or he would have told the police. Once the court was aware of these severe medical problems, why did his court appointed attorneys refuse to obtain a medical expert witness after Brian's grandparents & mom offered to pay for this? Is this court aware that Brian has been on a medical Medicaid waiver since 2012 and was on this when arrested and continues to be on this as I write this letter as a witness for Brian?

We have obtained 2 hospital records during the time that he & his mom were exposed to carbon monoxide in their home. On the first hospital record on 11/19/2017 his mom found him in bed as she went down to check his blood glucose level at night with blood all over him and all over the bed and a bad cut on his forehead. She called 9-1-1, but Brian refused to go to the hospital until after his 3 hour OCD routine. She called us to try to help him get to the hospital faster, but we all sat in the living room while he was in the kitchen for over 2 hours longer while he continued washing his hands, arms, hair, face – blood continued coming down his face. At one point he was vomiting during that time. At another point he was having bad leg cramps, but finally he let us take him to the hospital.

While at the hospital emergency room for a few hours, they tested his blood glucose several times, did a lot of blood test including one for carbon dioxide and other test. We found out later he and his mom were living in a home with carbon monoxide from a natural gas boiler heater and natural gas hot water tank – not carbon dioxide. But

apparently to do that test, the hospital suspected something, and when you read the hospital report from what they found that night, you read the symptoms of both carbon dioxide & carbon monoxide. They sewed his forehead with staples instead of nylon due to his extensive hand & face washing routine (OCD).

On the second hospital visit (9/21/2018) even though the hospital records clearly state that he has insulin dependent diabetes, seizure history, autism and OCD and that he was brought to the hospital by the police because he was out in the nude that night by himself for hours walking around trails and had a knee injury. The hospital did not do one blood test to see what his blood glucose level was. Is it because that is normal for someone with type one insulin dependent diabetes with history of severe seizures when glucose goes low, autism & OCD to spend the night alone in the nude walking around a walking trail for hours miles from home without any medical emergency supplies? Someone who has never done this before? Did the police & doctor on duty at the hospital that night think this was normal? I can tell you right now this was not normal activity for Brian, and while this was going on, His care giver (and his 2 caregivers in case of emergencies) were in bed asleep unaware until the police came knocking at his mom's door at about 4 in the morning. They ordered blood test and other test to be done, then they deleted those test (Why?). This is clear neglect on the part of the hospital. More than once on this hospital report, the doctor ordered for Brian to see his doctor the next day for more tests knowing Brian was going to jail.

I was in the court room in Winston Salem, NC, when I heard this police testify. Brian's court appointed attorney asked if he knew that Brian had insulin dependent diabetes. His answer was "No", he didn't know that". Brian's attorney asked him if he knew that Brian had OCD. His answer was "No". She asked him if he knew that Brian had autism. His answer was that Brian had told him that he had autism. When she asked him if he had any training in autism, it sounded like he knew what autism was but didn't have a lot of training. Does this sound like Brian was really medically & mentally cleared as the police report said? It sounds to me like negligence from the Martinsville police department. There is supposed to be laws for people with disabilities. Does it sound like the police department was negligent in their duties of obeying any of these laws? I didn't see anywhere that after Brian told the police he had autism that an expert was called to help. Brian contacted the police department, and we did too as well as his court appointed attorney asking for them to give his attorney the body cam for proof that Brian was in bad shape that night. This never happened (Why?).

I also heard Brian's mom testify in the same court about the carbon monoxide exposure in their home for over a year and how that had affected both of them. Instead of obtaining a medical expert, the judge said that he would not accept her testimony because she was not an expert even though we sent to the court as a witness US government reports of what it is like to be exposed to carbon monoxide since the court

refused to obtain an expert medical witness. Brian's probation officer was also a witness for Brian. Someone placed child porn on Brian's computer in 2012 and sent emails to Brian and others admitting doing it and admitted that they would see to it that Brian stayed convicted of child porn. We have read these, obtained copies and sent copies to the federal court. We saw the report from the NC SBI that there was child porn on Brian's computer that had been downloaded for one month before the police raid and for **11 months after the police confiscated Brian's computer** which sounds like what they sent to Brian's computer was a virus with child porn. Brian is innocent, and we sent proof to the court of his innocence, pages of proof that the judge did not read because never once has the judge acknowledge us as witnesses. Regardless, our proof of his innocence is on federal court records since November, 2017.

Anyway, this is the reason Brian has a probation officer and the reason this case went to NC and the reason we were hearing the testimony from the police, Brian's caregiver (his mom) and his probation officer who has been a senior Federal probation officer for several years in Roanoke, Virginia. Brian's probation officer knew that Brian was an insulin dependent diabetic with seizure history, had autism and OCD and testified that he worked with Brian, Brian's mom and his grandparents with these issues. Apparently the judge did not believe that Brian's mom or federal probation officer were credible witnesses. He believed the police who admitted in court that he had not been aware of Brian's diabetes or OCD and really did not know a lot about autism. This conflicts with his police report which says that Brian was medically and mentally cleared.

Brian's diabetes requiring insulin (since 1992), seizures (since 1992), autism (since 1993) and OCD are well confirmed in hospital and many medical records. We have seen this judge several times and believe after reading many threats Brian and others had received that this judge is owned by whoever has sent these threats to Brian in 2012, 2013 & 2015, Brian's mom in 2017-2018 and an attorney friend (Attorney Susan Basko) received several in 2015 as Brian was fighting in court to prove his innocence. She wrote a letter to the court that Brian was innocent of knowingly having child porn in 2014, and we have seen a threat against Brian sent to his friend in 2012 because Brian at the time had an alternative news (USWGO) network which was a hobby he enjoyed and a chance to communicate with others, and they wanted to shut all of this down in 2012. We have seen threats sent to other alternative news people in 2013, threatening sending child porn to them to shut down their alternative news (and actually sending it, but they found it and sent to the FBI). Brian didn't see the ones on his computer. Many judges we have found out are compromised, and Brian's autism and other medical problems keep being ignored by them so that is why Brian has become very suspicious of some judges who are ignoring his constitutional rights as well as his medical history, not allowing a medical expert witness to testify and most important ignoring the proof we have in court that he is actually innocent.

Hospital did no glucose test on a type 1 insulin dependent diabetic who was walking around in the nude by himself all night. That is big time negligence by our local emergency room hospital, and the proof is on the hospital records. We have copies if you want to see them, or you can get the hospital records yourself from the hospital: Sovah Health – Martinsville; 320 Hospital Drive, Martinsville, VA 24112 – Phone # 276-666-7200. There are no results of any testing done for carbon monoxide exposure that night as well as no glucose tests were done, no testing to see if someone put drugs in his body, no testing at all from this hospital.

We saw Brian's wall around his fireplace & especially his ceiling deteriorate & come down (Under his mom's fireplace). His probation officer commented about it. Roberta kept saying she was so tired and didn't know why. Brian complained that he was tired, couldn't think straight and kept forgetting things. Both complained of headaches (Haven't heard anything before this exposure or after this exposure about them being tired or having a lot of headaches). Roberta's head was shaking during this time. Brian's autism & OCD were getting worse, and we found out Brian took off at night by himself to go miles from home without any diabetic medical supplies and without any hand sanitizers which he always keeps with him, says he met someone in a hoody who sounded like a white guy who told him to take his clothes off and take photos of himself **or his mom** (his only caregiver – grandparents are emergency backups elderly & disabled too) **will be killed**.

The court showed a pink camera which Brian never used a pink camera. He always takes his big black camera with him when he goes places with us. We picked up a backpack that was smaller than Brian uses and one that his mom had never seen before. Brian kept walking around for hours in the nude by himself like he didn't know how to put his clothes on. His clothes were in the backpack we picked up, but no emergency medical supplies were in it. In 31 years of knowing Brian, this is the first time anything like this has happened. We would not have woken up for a few hours so we don't know what would have happened to Brian if the police had not found him, but they turned this into a criminal offence when it was clearly a medical emergency. The Martinsville police & the Martinsville Hospital were clearly negligent in their duties that night.

If you know the many things that people with autism can do, this is one (wandering away from home at night): Even though the hospital did not test for carbon monoxide when he was arrested, and none of us were aware of the exposure until months after Brian was arrested, our family saw Brian's autism getting worse after all of the years of improvement. Since he has been home and away from carbon monoxide exposure, he still has autism, but not as bad as during this exposure. We don't worry that he will again take off by himself without his emergency medical supplies. After the arrest, we worried that he would do it again if we brought him back to his home and were begging

the Piedmont Community Services in Martinsville to get him removed from jail and in a hospital or other safe place, but they failed us and Brian miserably too.

Here is an article I found that might explain this. It says: "Because our nervous systems are bringing in lots and lots of information, we autistics often get over stimulated. Also, when we have lots of toxins flowing through our bloodstream, we tend to be much more inflamed, irritable, reactive, and friable than most people are. Anything that happens around us registers louder for us than for non-autistics and the stimulation affects us more. Now, there are two reasons for running away. If you think about it, any child who runs away, autistic or not, will be either running away from something, or running towards something. Many people on the autistic spectrum have post-traumatic stress disorder. There is a very, very close relationship between these two diagnoses. The body language of those of us autistics who are very tense is quite close to the body language of people with post-traumatic stress disorder.

When you're considering an autistic who runs away regularly, they're either running away from something that they are over stimulated, afraid or angry about, or they're running towards something attractive. Many of us autistics will run to green spaces, or run to water. There's a good reason for that. Autistics find natural areas — and the wilder, the better — to be extremely calming, to allow and enable much more comprehension and integration of what's going on around us. Indoor environments can be toxic and over stimulating. This is the article I am referring to & video:

<https://thrivewithautism.ca/2013/11/01/why-are-autistics-hyperactive-and-why-do-we-run-away/>

This did happen to Brian one time when he was little. We were next door neighbors, and in the middle of the night, Brian came to our house. He was wearing his pajamas. His mom put special locks at the top of the door, but now he is tall, and that wouldn't work. Knowing his autism had gotten worse and not knowing about the carbon monoxide exposure for about a year at the time of Brian's arrest, we were afraid he would run away again and asked our local Piedmont for help, but they did not get Brian out of jail, and we have found out that they know very little about autism. There should be records to confirm this at the Piedmont Community Services; 24 Clay St., Martinsville, VA 24112-2810. Phone # 276-632-7128, and the fax # 276-632-0127. We were keeping Brian's probation officer informed at all times. You see, if you have an autistic child or adult who runs away, this is scary and dangerous, but if this is an adult with autism who has brittle diabetes and has severe seizures, and no one is there to provide something sweet, this person will die. We knew this had nothing to do with "intent to commit a crime" but was a medical emergency. On days when Brian is more autistic, we can't get through to him and with the carbon monoxide exposure, we were having more days like that. Most days, we can communicate well when his autism is milder. I will note here that most days now, it is milder, and we communicate well thanks to the chimney expert who removed the tin so the carbon monoxide would go outside of their house.

I just found a webpage to help explain the legal process for those with autism. It deals with the part of what is considered a criminal act, and that is "intent". Today, courts are

dealing with instances of Autism Spectrum Disorder (ASD) as it relates to criminal intent but approaches vary, as there is no uniform or legislative pronouncement on how this disorder relates to “mens rea”. <https://www.purdueglobal.edu/blog/criminal-justice/autism-and-the-criminal-justice-system/> Although most with an ASD will not commit crimes, courts must understand how to handle requests to admit expert testimony in those cases where a criminal defendant shows signs and symptoms (or a diagnosis) of ASD. NOTE: We have asked attorneys in federal court and Virginia courts to provide this expert medical witness and offered to pay for the one in Virginia, but all have ignored our request so not one of Brian’s court appointed attorneys have really helped him, and from what I understand in the federal courts, some attorneys have tried but were flatly turned down by the judge. Brian had to pull out of the Virginia case because it was getting close to a jury trial, and Brian’s court appointed attorney had no expert medical witness and no witnesses for Brian even though we made this request in the very beginning and even offered to pay for it if the state refused to pay.

I just thought that unless you or a member of your family have any of Brian’s medical diagnosis, you might not understand Brian’s complicated medical history, and why we say “There is no way that police report is correct unless Brian has been cured which he has not”. The next 4 pages will explain Brian’s medical history which is well documented in the hospital where the police took him as well as all medical records since 1992 including in the Social Security system, the Virginia Medicaid, and are still being documented by his diabetic endocrinologist specialist. My email address is [kenstella@comcast.net](mailto:kenstella@comcast.net).

Sincerely,

Stella B. Forinash

Brian Hill’s grandmother

201 Greyson St

Martinsville, VA 24112

What is **insulin dependent diabetic**? For those who don’t know: **Type 1 diabetes (previously called insulin-dependent or juvenile diabetes) is usually diagnosed in children, teens, and young adults, but it can develop at any age. Type 1 diabetes is less common than type 2—approximately 5-10% of people with diabetes have type 1.**

What are **diabetic seizures**? For those who don’t know. **A diabetic seizure is a serious medical condition and without emergency treatment, it has proven to be**



fatal. Extremely low levels of sugar in the diabetic's blood cause these seizures. That is why it is so important for those who have diabetes to monitor and control their blood sugar.

What is **brittle diabetes**? Brian has been diagnosed with this by a few doctors. For those who don't know. Brittle diabetes occurs when diabetes is especially difficult to manage. Diabetes can be hard to manage for many reasons: Doctors have explained to us that Brian's autism – developmental problems & his diabetes works against each other causing brittle type 1 diabetes in him. People with brittle diabetes experience sudden and frequent changes in blood glucose levels for no obvious reason. The swings lead to hypoglycemia or hyperglycemia. What is **HYPOGLYCEMIA**? Hypoglycemia is a condition in which your blood sugar (glucose) level is lower than normal. Symptoms: Unconsciousness; Shakiness. What is **HYPERGLYCEMIA**? High blood sugar (hyperglycemia) affects people who have diabetes. Several factors can contribute to hyperglycemia in people with diabetes, including food and physical activity choices, illness, nondiabetes medications, or skipping or not taking enough glucose-lowering medication. It's important to treat hyperglycemia, because if left untreated, hyperglycemia can become severe and lead to serious complications requiring emergency care, such as a diabetic coma. In the long term, persistent hyperglycemia, even if not severe, can lead to complications affecting your eyes, kidneys, nerves and heart.

What is **Autism**? For those who don't know. Autism, or autism spectrum disorder (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors. Autism is a complex, lifelong developmental disability (PDD) that typically appears during early childhood and can impact a person's social skills, communication, relationships, and self-regulation.

What is **OCD**? For those who don't know. Obsessive fear of germs or dirt and the compulsion to wash the hands over and over is one of the most common manifestations of obsessive-compulsive disorder (OCD). For people who suffer from OCD, hand washing goes well beyond a concern with cleanliness. It is extreme behavior whose real purpose is to lessen intense feelings of fear and anxiety. Oh, yes, I forgot to mention that Brian has also been diagnosed as having "**Anxiety**".

What is **SSI**? SSI stands for Supplemental Security Income. Social Security administers this program. They pay monthly benefits to people with limited

income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI. To get SSI, you must meet one of these requirements: Be age 65 or older. Be totally or partially blind. Have a medical condition that keeps you from working and is expected to last at least one year or result in death. Brian has been receiving an SSI disability check since 1992 (well documented) and still receives them.

What is a **Virginia Medicaid Waiver**? For those who don't know: **Virginia's Medicaid Waivers** pay for a variety of supports and services for children and adults with developmental disabilities and their families who need long-term support systems to live successfully in the community rather than in institutional settings. Brian is on this list because it has more benefits in case his mom is no longer able to assist. The one that he has been on since 2012 which pays his mom to be his caregiver 40 hours a week (The rest of time she is a volunteer) is an EDCD waiver.

What is **carbon monoxide exposure**? For those who don't know.

**Overview.** Carbon monoxide poisoning occurs when carbon monoxide builds up in your bloodstream. When too much carbon monoxide is in the air, your body replaces the oxygen in your red blood cells with carbon monoxide. This can lead to serious tissue damage, or even death. Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a tightly sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels. If you think you or someone you're with may have carbon monoxide poisoning, get into fresh air and seek emergency medical care. This went on for over a year. Roberta (Brian's mom's) apartment is 1500 sq ft, and Brian's apartment below his mom's is the same size, but every time they used their heater or the hot water heater, they were exposed with a build up after a year of exposure. Continued exposure to carbon monoxide can **cause permanent brain, nerve, or heart damage**. Some people require years to recover while others might never fully recover. Does carbon monoxide make you hallucinate?

These can include agitation, confusion, depression, lethargy, impulsiveness, **hallucinations**, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. Can carbon monoxide poisoning change your personality? Personality changes **may occur**, and case studies have described prominent depression, anxiety, and irritability several years after accidental CO poisoning. Residual cognitive deficits, executive dysfunction, and impairments in memory and concentration may all contribute to deterioration in mood.

There is a lot more information about it on this USA government site:  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2707118/>

## **Bill requiring consideration of autism, mental illness in criminal justice system passes in Virginia**

**Posted: Feb 10, 2021 / 08:02 PM EST / Updated: Feb 11, 2021 / 11:11 AM EST**

RICHMOND, Va. (WRIC)- Advocates say a law that bars Virginia courts from fully considering a person's disability or mental illness is causing defendants with autism to fall through the cracks. <https://www.wric.com/news/bill-requiring-consideration-of-autism-mental-illness-in-criminal-justice-system-passes-in-virginia/>

<https://law.lis.virginia.gov/vacodeupdates/title19.2/section19.2-271.6/>

### **§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth. (2021 updated section)**

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § [37.2-100](#).

"Intellectual disability" means the same as that term is defined in § [37.2-100](#).

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

One of the scariest moments for a parent of an autistic child is when they wander off or become lost. Children and adults with autism can be gone in a second of taking their eyes off them. They are fast, quick and sometimes can dart away without a seconds warning.

Sometimes they may wander off out of the house in the middle of the night, sometimes from schools or other places. No matter where the child or adult may wander one must act quickly. <https://www.gastongazette.com/story/opinion/letters/2018/09/28/what-can-you-do-when-autistic-child-or-adult-wanders-off/9765760007/>

## **Autism Society article and what it says: “USE LOCKS AND ALARMS WHERE APPROPRIATE**

For individuals who run away or leave the home without supervision (also referred to as “elopement” or “wandering”), it is important to place locks and alarms on exterior doors and windows. This may prevent the child from leaving, or at the very least notify you if he/she attempts to open a potential exit route. <https://www.autism-society.org/living-with-autism/how-the-autism-society-can-help/safe-and-sound/safety-in-the-home/> NOTE: This helped when Brian was a child, but now as an adult, it wouldn't help plus at this time, his mom was not well either from her exposure to carbon monoxide & none of us knowing about the tin.

Chart below about autism. These charts helped us when Brian was little to understand autism better: There are also charts that show the “wandering & more descriptions.



**Brian David Hill,**  
**Petitioner/Defendant**  
  
**v.**  
  
**Commonwealth of Virginia,**  
**Respondent/Plaintiff**

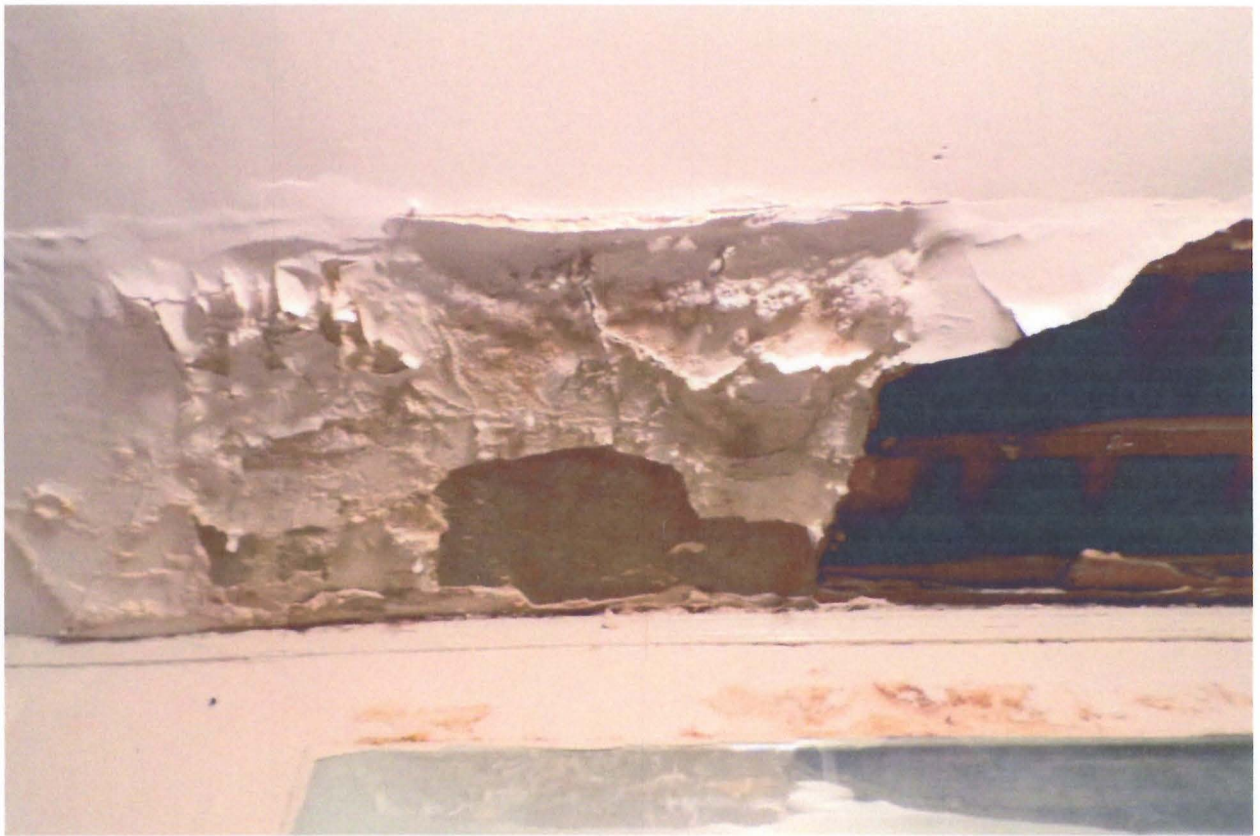
**Criminal Action No. CR19000009-00**  
  
**Civil Action No. \_\_\_\_\_**

I, Roberta Hill, being first duly sworn upon oath, do hereby depose and state:

On January 20, 2019, I had a fireplace expert named Pete Compton of ACE Chimney & Wildlife come out to check on some water damage near the fireplace and he found out that the chimney had been completely covered in tin. He told me that carbon monoxide was coming into my apartment and my son's apartment. He said it condenses and that is what was causing the water damage in the ceiling next to the fireplace in my son's apartment.

1 | Page









I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of January, 2022.



Signed

Roberta Hill

310 Forest Street, Apartment 1  
Martinsville, Virginia 24112  
(276) 790-3505



Kenneth R. Forinash, TSgt, USAF, Ret

201 Greyson St.

Martinsville, VA 24112

276-224-4527

Subject: Letter of Support for Brian David Hill,

To Whom This May Concern,

My name is Kenneth R. Forinash, I am a 79 year old citizen of Martinsville, VA, retired from the US Air Force. I have known Brian D. Hill for over 20 years. Brian has been helping us by doing lawn work and various chores for us. He has autism, Brittle Type I Diabetes and severe OCD problems. He has been on disability since he was 2 years old, so he is unable to hold a steady job due to his disabilities.

Brian's charge of Indecent Exposure should have never gone as far as it has. He had, unknowingly, been exposed to carbon monoxide gas in his home for several months. He and his mother were complaining about being tired all the time with no energy, having headaches and Brian also said he was having trouble thinking. On the night of his arrest he left his home late at night when his caregiver, his mother, was sleeping. This was something he had never done before, and has not done since. It is my opinion that this was from the effects of Carbon Monoxide. On the night of his arrest, he was taken to the Martinsville hospital, but was never tested to see if his glucose level was high or low, the hospital records would have shown that he had diabetes, OCD and autism if they had looked at his records. He was never tested to see if there were drugs in his system or if he could have been affected by carbon monoxide poisoning. He has been fighting this charge since it first happened, and since he knows he is innocent he will continue fighting it. That is the type person Brian is. If he knows he is being falsely charged with something he will fight for his rights.

I believe Brian should be given an acquittal for this crime because of his true innocence, and for the fact that so many mistakes were made by the hospital and the Martinsville Police Department. There was never an investigation of the things Brian told them had happened. He said a man in a Hoodie told him to take his clothes off and take pictures of himself or his mother would be killed. There was never an investigation to find this man in a Hoodie. Brian also had a pink camera in a backpack that no members of his family recognized when he was arrested. Nothing was ever done to see where this camera and backpack came from. Brian always took his large black Kodak camera with him whenever he went out. None of his family members can remember ever seeing him with a small pink camera or wearing a stocking cap. Here is a video YouTube link my wife found about people with autism behavior running away (We are wondering if this was a setup as we will explain later in this letter). <https://www.youtube.com/watch?v=wnZ02EzblMM>

My wife and I were re-reading the manuscript from Brian's revocation hearing and more & more we are wondering about a "sex setup" against Brian. We have read many threatening emails and text sent to Brian and others. We have read that they (the ones who sent these using tor email) were the ones who had the child porn put on his computer. They said they would (whoever sent these emails

& text messages) see to it that Brian stays on the "Sex register" and would set Brian up and have indicated that the judges & other people in the courts would make sure. Brian has sent these threats to the federal court. No one has done an investigation about them, but we wonder how many are involved in the courts of helping to make sure. First, the prosecutor & the judge who are the same ones who have ignored all of the proof that Brian is innocent that has been in the court records from November, 2017 and before. Brian has never shown an interest in either sex or children. We have testified in court and have sent that to the court under penalty of perjury that we are telling the truth. Brian remains a virgin to this day.

We have the proof from the state bureau of NC and have sent this document to the court that child porn was being downloaded to his computer 11 months after the police did the police raid and confiscated his computer so for that 11 months Brian didn't have the computer, the Mayodan, NC police & NC SBI in Greensboro NC had it during that 11 months. Brian fought for over a year in the Danville, VA federal courthouse for them to keep this evidence, this same prosecuting team whom you see in this manuscript makes it clear that due to the probation report being on this camera and the photos that Brian is guilty. He & the judge (BOTH) keep going back to the child porn that they claim was on his computer, trying to make a stronger case of sex which is weird if you know Brian and know that he isn't interested in sex at all, is not interested in children and still at the age of 32 remains a virgin. Set up?

Here's our proof: Isn't it convenient for a set up that once Brian is arrested for indecent exposure, they now won the case in Danville and no longer have to keep their proof when they state that Brian is guilty. Actually, this is proof that Brian is innocent NOT guilty because it proves that child porn was being put on Brian's computer for MONTHS after the police got it. They fought this because it was proof that just like the emails said "Brian was set up with child porn and had no intentions and did not even know that the child porn was in his computer. We are witnesses that Brian was fighting some type of virus on his computer the day of the police raid in August, 2012. We were there watching Brian fight it & were there during the entire hours long police raid. That is bad when our legal system goes after someone who has brittle diabetes with seizures and autism and keeps this going for years ignoring his and his family's proof that he is innocent. Brian does not have an intellectual disability. He is very smart but does have a communication disability.

Brian started fighting for this on April 25, 2017 in the Danville, VA Federal Court. In Oct, 2017 his mom contacted a chimney expert to put screen on their 3 chimney flues to keep birds out. We found out 15 months later Jan. 2019 that instead of screen there was tin up there which caused carbon monoxide to come in their home and messed up both fireplaces, gas logs in both fire places, the walls & ceiling around Brian's fireplace and caused both of them to be really sick for over a year. It doesn't make sense to us that a Chimney company would do this and are aware that when the family wasn't home, it is a possibility that someone else could have come & replaced the screen with tin. We can't prove this but just a possibility to stop Brian from fighting to prove he is innocent and should not be on a sex registry. He is innocent. We know that for a fact! In November, 2017 Brian submitted to the federal court his 2255 of innocence with many pages his family wrote and other proof of his innocence. In December, 2017 until the spring of 2018 his mom was getting insulting greeting cards with a threat letter in the spring of 2018 all sent from Nashville, TN with no return address or name

while they both were being exposed to carbon monoxide. The Martinsville police conveniently did not do an investigation, and not one of them ever questioned us – no investigation at all!

Brian is still fighting to prove his innocence in the federal court in NC with the same judge who refuses to leave his case, making sure that he stays on probation. His probation was for 10 years in 2014. Now due to this indecent exposure case, the judge ignored his autism, carbon monoxide, etc and added 4 more years of probation. During this “setup” on Brian in 2018, he lost his Danville case because he was now spending his time fighting to prove he was innocent of the indecent exposure as well as the child porn. This same judge and the same prosecution keeps going back to “sex charges”. They don’t know of any other reason, **could it be a “setup”** as the threatening letter said, as the threatening emails sent to Brian and others and the threatening text sent to Brian in 2015 said they would do?

After re-reading the transcript, the police said Brian was wearing a stocking cap. We go with Brian to a lot of places and have never seen him wear that type of hat and have never seen photos of him wearing a stocking cap. He does wear baseball caps from time to time.

Page 57 of 164 “It's the document that was found on the SD card in printed version that belonged to Mr. Hill that was on the camera when we did the search warrant.

Q So this document was on the same card as the photographs?

A Correct.

Q And under the author, what does it say?

In reading the transcript and being at the trial in NC, we noticed a lot more things that look like a setup. We saw a pink camera that the police said Brian had. We have never seen Brian use a pink camera. He does take a camera most of the time, but it’s a large black camera in a camera bag. You can look through photos his mom & we have taken of Brian, and you will not see him carrying a pink camera nor will you see him wearing a stocking cap. We took Brian’s mom to Salem, VA to pick up Brian’s backpack. Right away Brian’s mom said that she had never seen that back pack before. We noticed that it was a lot smaller than the ones he uses. It was his clothes in that backpack, but we especially noticed there were no emergency diabetic supplies in it nor any hand sanitizer in it. He always takes his diabetic supplies & sanitizer with him. We have never seen Brian take selfie photos of himself. He does take videos when he is trying to say something. Brian said that the man in the hoodie gave him the camera according to the policeman who arrested Brian.

The prosecuting attorney said that it was Brian’s camera because it has the form he sends to the probation officer with his name, nothing else except the nude photos of himself. If someone plans to set you up, what a convenient way – drug you – hand you a camera with a blank probation form that looks like you put it in the camera, add your name as the author for the police to see. Make sure there are nude photos of you in that pink camera. If I wanted to I can download this form at <https://www.gasp.uscourts.gov/sites/gasp/files/MSRSexOffender.pdf>. Anyone can download it especially if they want to set someone up. The police said that they had received one call. The police didn’t identify the caller. Could it have been the very same person who handed him the camera & threatened killing his family? Brian told us in the hospital about that. He said the guy sounded like a white guy, not a black guy, but he couldn’t identify him due to the hoodie. Brian said

he felt like he had been drugged. Isn't it convenient that the doctor at the emergency room that night did not test him for any substance (alcohol, drugs, carbon monoxide), did not test his glucose when it was clearly written on hospital records that he was diabetic and was on insulin shots. The police testified that they usually get blood test results. Isn't it unusual that they had no blood test results at all for Brian especially since he has been a brittle diabetic at the age of one year? To us, this is another clear set up just like the child porn that was downloading on his computer for 11 months when Brian didn't even have his computer.

My wife is looking up proof on Federal Court records and putting links so you can see all of this is true, especially the threats Brian & others have received.

If Brian was guilty, why would he fight so hard to get the discovery materials that were used against him in court? On the other hand, why did the prosecuting office fight so hard for him not to get these (Guilt on their part)? They also knew that this was being downloaded 11 months after his computer was confiscated and what else was on the discovery which would prove even further that Brian was innocent? Yet they kept him in jail or prison for months, many time half insulin, some days no insulin, on court days no insulin until he was brought back to jail handcuffed after hours in court with no insulin at all, no help with his autism, more like torture, made sure that he is on the sex registry, off the Internet and have extended that probation to 14 years. Why would he have that information on a pink camera? SETUP for sure just like the threatening emails, text & letter said.

Here could be one reason for the setup at this website as Brian was fighting for his discovery to keep it in court for his appeal: Freedom of information act. We saw it, there were no photos of any kind in that NC SBI report. No reason why Brian shouldn't have it to prove his innocence. Why did they fight this for over a year?

<https://www.courtlistener.com/docket/6064365/hill-v-executive-office-for-united-states-attorneys/>

Hill *v.* Executive Office for United States Attorneys (4:17-cv-00027)

District Court, W.D. Virginia

**Date Filed:** April 25, 2017

**Date Terminated:** Feb. 6, 2018

**Date of Last Known Filing:** Oct. 9, 2018

**Cause:** [05:552 Freedom of Information Act](#)

**Nature of Suit:** [895 Freedom of Information Act](#)

Brian was exposed to carbon monoxide from abt Oct. 2017 until he was arrested for indecent exposure in September 2018, and he was in jail & in bad shape on Oct. 9, 2018 so could no longer fight to get his discovery. That was a victory for the NC prosecuting office, but could it also explain the carbon monoxide and the set up? The above just shows the battle went on until Brian was arrested for indecent exposure in September, 2018, then his fight to get discovery ended, but it went on throughout Brian's exposure to carbon monoxide in his home: Brian could no longer fight to get his discovery to go along with more proof that he is innocent and had already put this proof in the court records in November, 2017.

**Now let's read the threats he & others received which is on court records, and you can read these here:** <https://www.courtlistener.com/docket/4304407/united-states-v-hill/>

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

**Last Updated:** Jan. 23, 2022, 6:34 a.m. EST

**Assigned To:** [Thomas D. Schroeder](#)

**Date Filed:** Nov. 25, 2013

**Date Terminated:** Nov. 12, 2014

**Date of Last Known Filing:** Dec. 6, 2021

If Brian is guilty, why is he fighting so hard to prove he is innocent? Knowing his medical record which is on these court records, why does this same judge and this same prosecuting attorney keep saying he is guilty without acknowledging any of Brian's proof of innocence, fighting to make sure he does not get a copy of his discovery (The proof supposedly of his guilt) & ignoring his witnesses who have written of his innocence with proof, denying Brian his constitutional rights & making sure he's the only judge?. Why have these threats not been investigated? Why is this judge knowing Brian's medical history not allowed any expert medical witnesses to testify. Could this be another reason for a set up with indecent exposure? To Brian's family, this explains why there is a pink camera in his possession and not the large black camera with the camera bag that he does use, why are there nude photos of him (if drugged that night), why he had a back pack that was not his, why he is wearing a type of cap that he never wears on outings with us when it is cold or at any time, why he had no emergency medical supplies with him, why someone would call the police who would find a camera in his possession with nude photos of him and a copy of the probation form he uses with his name on that, perhaps even why the doctor or nurse in the emergency room not providing any test results to prove he's diabetic, has been exposed to carbon monoxide for almost a year in his home, and maybe some drugs in his system from the man in the hoody and no body cam at court that Brian & his family asked to be used (perhaps someone from the police department involved to bring Brian down as recorded in those threat letters)? Read them yourself and then decide.

He does have autism which had gotten worse from the carbon monoxide but knowing Brian as we do, nothing else makes sense, add the part that he is under constant care by his mom except the few hours at night that she needs sleep, and this all happened while she was sleeping. She was waking up at 4:30 every morning to test his blood glucose after the 2 seizures he had one night (which happened while they were exposed to carbon monoxide), and someone calls the police at 3 AM. All of this needs to be investigated, too many holes in this case too just like the child porn setup with threats. The judge & prosecuting attorney saying he's guilty does not make it so. There are many people documented who have spent years in prison who were found to be innocent even though the judge & prosecuting attorney said they were guilty.

United States *v.* HILL (1:13-cr-00435)

District Court, M.D. North Carolina

<https://www.courtlistener.com/docket/4304407/46/united-states-v-hill/>

**Sep 30, 2014 # 46** DECLARATION of Susan Basko in Support of BRIAN DAVID HILL'S Motion to Withdraw Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes.  
(Attachments: # (1) [Main Document](#) Declaration

If you download these, you can read them better. You will also see in **Attachment 1 Exhibit A** where Brian reported these to the FBI in 2015.

**Apr 3, 2015 # 71 Attachment 1 Exhibit A Page 2** (Threat sent to Brian by text on Feb 14, 2015) Basically when you read this it is saying "We will send you more child porn, Brian, stay as a sex offender and go get raped like a good sex offender. You will never win, you will never prove whom planted child porn in your drive. We can sneak into Sue Basko's house and plant child porn in her hard drive hahahahaha". There is a lot of bad language which we will not repeat here, but you can see this threat for yourself.

<https://www.courtlistener.com/docket/4304407/71/1/united-states-v-hill/>

**Exhibit A Page 5** This was an email sent to Susan Basko that she emailed to us on 2/6/2015. It says "Brian Stop Appeal" (title) "Tell Brian to stop appeal in da court. He will not win even if he does we have authorities to set him up with child porn again. Think about it before you testify. You too Scott (sounds like this one went to one of Brian's attorneys). Tell Brian to cut his appeal or I will set him up to cut him".

**Exhibit A Page 6.** This is another email Susan Basko emailed to us (Brian's grandparents) on 2/6/2015 that she had received: It says basically "I warned you. Brian David Hill will suffer and it is his fault for not sticking with his paedophile guilty plea. Bad things will happen to him We promise you if Brian hasn't already been destroyed you all will never remove him from sex offender list. Brian will regret what he filed with the court He will pay possibly with his life Police watching him however we are watching him too even if he is under supervised release we can send thousands of child porn to Brian's email address and he will never know until he is allowed on the net then BOOM violation of probation then even they will beat him up"

**Exhibit B — Document #71, Attachment #2**

<https://www.courtlistener.com/docket/4304407/71/2/united-states-v-hill/>

**Page 21-22** is an email Susan Basko sent to Brian's attorney, Jones and a copy to Brian's mom & grandparents on 2/16/2015 informing Mr. Jones that he needs to do something about this. She said that she is writing to him again as he is the one handling Brian's appeal. She said that Brian is the guy who was set up with child porn, and someone keeps sending her and others (You can read these yourself on court records, and they have been there since 2015). This is a long threat email they sent to her & others with more threats. This was reported to the FBI by those receiving it, and Brian reported the ones they sent to him in 2015. Why was all of this ignored & keeps being ignored?? They admitted AGAIN just like they did in 2012 & 2013 putting child porn on Brian's computer & the hard drive that his attorney picked up from the Mayodan, NC police department and took to Brian in Martinsville, VA. They said they had Brian on possession and his attorney on distribution. Read it and all of the other threats, then explain to us why you think nothing is being done or has been done. All of this is in federal court records. Brian has reported this to the FBI more than once. We have too more than once. They keep ignoring it & us.

Here are some more on the court records with where to find them. The more we read these & the threats, the more we know he is being set up. What kind of monster or monsters does this to someone with all of Brian's severe disabilities, and where are the law people & courts who are supposed to protect us from these monsters??? Meanwhile, Brian keeps fighting to prove his innocence and keeps being ignored.



**Exhibit I — Document #71, Attachment #9 Page 11 sent to Brian (Email) on April 11, 2013. Submitted AGAIN to the court on 4/03/2015**

<https://www.courtlistener.com/docket/4304407/71/9/united-states-v-hill/>

**Brian's 2255 submitted on Nov 14, 2017 Document #128**

<https://www.courtlistener.com/docket/4304407/128/united-states-v-hill/>

**Exhibit — Document #131 Page 70-71 Threats to Brian in Email in 2013.**

**Article "Child porn investigations may snarl the innocent" from 2010 Page 79-88**

<https://www.courtlistener.com/docket/4304407/131/united-states-v-hill/>

**Exhibit — Document #134**

<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>

**Brian's grandmother, Stella Forinash is testifying here that Brian is innocent of child porn charges & reasons PAGE 34-71**

NC SBI says the first time files were downloaded was on **July 20, 2012**. The Rockingham County police department spotted the child porn very early. This agrees with what Brian said on the Alex Jones Prison Planet on **July 12, 2012** when he said that the police were watching him and his mom and looking for a reason to arrest them, and he was afraid the police department was going to set him up. (See Document Police removed all computers and hard drives from Brian's house on **August 28, 2012** (netbook on August 29, 2012). According to this NC SBI Discovery Report, this child porn continued being downloaded until **July 28, 2013 (11 months after Asst attorney's brother, Bridge and Mayodan police removed it from Brian's house)**. Case 1:13-cr-00435-WO Document 45 Filed 09/26/14 Page 20 of 20.

**On Page 54 above. Page 55 below**

of 2. **US v. Hill - Hearing - September 30, 2014** is where Brian's grandparents & Attorney Sue Basko told the judge that Brian was innocent of knowingly downloading child porn. This was the same court case where Brian D. Hill's court appointed attorney and the prosecuting attorney confessed to the judge that they had received emails from Attorney Sue Basko and calls from others coming forth to be witnesses for Brian and that they ignored Brian's witnesses (Entire transcript is in court records). This is the same hearing that the judge appointed a new attorney for Brian, but too late as Brian's health had gone down too low from over 9 months of not getting the right amount of insulin prescribed by his diabetic doctor for the past 22 years. (From the age of 21 months to the age of 23+ years).

**Brian's Grandpa, Kenneth Forinash is testifying for Brian: Page 73-75**

I have known Brian David Hill since December 2000. He has gone on day trips and extended trips with his mother, Roberta Hill, grandmother, my wife, Stella Forinash and myself numerous times. Due to his diabetes and autism he always stayed with us when we went on these trips. I have never seen him approach a child, or show any interest in a child. His main hobby was taking pictures of scenery, and he did not want any human in his pictures. He would get agitated when someone walked in front of him while he was taking a picture.

I tried helping his mother and grandmother find help for his autism while he lived in North Carolina and after he moved to Virginia. We had very little luck getting assistance from any groups in NC, but after moving to Virginia in September of 2012 he was placed on a Medicaid waiver immediately after applying due to all of his medical and mental problems. There is normally a 7 year waiting list for this waiver, but he was placed on it right away. This waiver made it possible for someone to be paid for 40 hours of assistance and respite for Brian per week. In addition to this waiver, there were also individuals from EHS Support Services LLC that would take him on hikes, and to the YMCA. They also made it possible for him to see a counselor for his OCD problems.

**Brian's mom, Roberta Hill is testifying for Brian: Page 76-87**

To Whom This May Concern:

I am Brian David Hill's mom, and I am a witness to many events that have occurred in Brian's case. I believe that my son is innocent of any wrong doing. The crime that he was accused of paints a different picture of my son, than who he is as an actual person.

I also am a witness to how autism and Obsessive Compulsive Disorder (OCD) affects my son. Since he was a very young child he has been sensitive to receiving hugs from anyone and does not like to be touched on his shoulders. This is not uncommon for someone with autism. With his OCD he is very sensitive to anyone touching him or his stuff and constantly washes his hands and uses Germ X due to his fear of getting dirty or getting germs. Because of his autism he has never had a girlfriend and he is a virgin, yet the court has put him on the sex offender registry. He has never been accused of sexually molesting a child or of raping an adult, and yet he is being treated as if he is a threat to society.

I have compiled a list of my eyewitness accounts in his case.

Brian says that he had been downloading child porn for 1 year or so. The evidence only shows that there were photos on his computer for 39 days prior to the police raid. This is the time frame in which my son was dealing with a virus on his computer. About almost 11 months of those dates is when his computer was in the custody of the Mayodan Police Department and the State Bureau of Investigations of North Carolina. This is a clear false confession that can be proven from the interview records of the Mayodan Police Department and the discovery report.

**Actually, we noticed later that they asked Brian about downloading things, then later changed their wording to "child porn" Brian was confused and was talking about downloading music. The police knew Brian was disabled, yet disobeyed the "Americans with disability act" by questioning him alone without someone present who was trained in autism. They refused to let us hear that tape. Brian said things that was on paper that looked to us like he was just repeating what they said to him which is part of autism when one is stressed to the limit, and all of us were stressed after that police raid. If we or an autism professional could have heard that tape, I'm sure that is what was going on.**

**Brian downloads proof of his autism: Pages 88-99**

**<https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/>**

**Document 134 & there are many more threats & a lot of proof of innocence that Brian has shared, but this letter is getting too long, and we're getting too tired.**

Anything you could do to help this young man would help immensely. If there is anything further you need from me, please feel free to have your office contact me at the above address or phone number.

Thank You,

Kenneth R. Forinash, TSgt, USAF, Ret

**Stella B. Forinash (I can put an affidavit if needed with witness signature notary that I am telling the truth). Thank you for your time reading this. 1/23/2022**



United States District Court  
for the  
Middle District of North Carolina



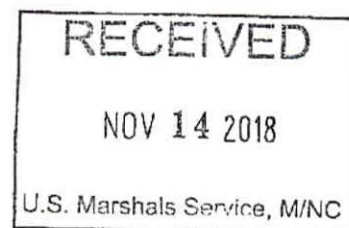
USA v. BRIAN DAVID HILL

Docket No. 1:13CR435-1

TO: THE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA OR ANY OTHER AUTHORIZED OFFICER:

WARRANT FOR ARREST OF SUPERVISED RELEASE VIOLATOR			
You are hereby commanded to arrest the within-named violator and bring him or her, forthwith, before the United States District Court to answer charges that he or she violated the conditions of his or her probation imposed by the court.			
NAME OF VIOLATOR <b>BRIAN DAVID HILL</b>	SEX <b>M</b>	RACE <b>W</b>	AGE <b>28</b>
ADDRESS (STREET, CITY, STATE)			
SUPERVISED RELEASE IMPOSED BY: MIDDLE DISTRICT OF NORTH CAROLINA		DATE IMPOSED: 11/10/2014	
TO BE BROUGHT BEFORE: MIDDLE DISTRICT OF NORTH CAROLINA, GREENSBORO, NORTH CAROLINA			
CLERK: JOHN S. BRUBAKER	BY (DEPUTY CLERK) /s/Joy Daniel	DATE 11/14/2018	

RETURN		
Warrant received and executed.	DATE RECEIVED <b>11/14/18</b>	DATE EXECUTED <b>12/22/18</b>
EXECUTING AGENCY (NAME AND ADDRESS) <b>USMS</b>		
NAME <b>Steven L. Gladden</b>	(BY) <b>[Signature]</b>	DATE <b>12/22/18</b>



U.S. Department of Justice  
United States Marshals Service



**DETAINDER**  
**BASED ON VIOLATION OF PROBATION AND/OR SUPERVISED RELEASE**

United States Marshal  
Western District of Virginia  
(District)

P.O. Box 2280  
Roanoke, VA 24009

(Return Address and Phone)

Please type or print neatly:

TO: Martinsville City Jail  
55 West Church Street  
Martinsville, VA 24112  
ATTN: Records

DATE: November 15, 2018

SUBJECT: HILL, Brian David

AKA:

DOB/SSN: 5/26/90 [REDACTED]-0319

REF. # FID#9402184

USMS #: 29947-057

CR #: 1:13CR432-1

Please accept this Detainer against the above-named subject who is currently in your custody. The United States District Court for the Middle District of North Carolina has issued an arrest warrant charging the subject with violation of the conditions of probation and/or supervised release.

Prior to the subject's release from your custody, please notify this office at once so that we may assume custody if necessary. If the subject is transferred from your custody to another detention facility, we request that you forward our Detainer to said facility at the time of transfer and advise this office as soon as possible.

The notice and speedy trial requirements of the Interstate Agreement on Detainers Act do NOT apply to this Detainer, which is based on a Federal probation/supervised release violation warrant.

Please acknowledge receipt of this Detainer. Please provide one copy of this Detainer to the subject and FAX one copy to this office at 540-857-2032.

FAX No.

RECEIPT	
Date:	11-15-18
Signed:	U. B. Acord
By:	Robin Acord
Title:	SA

Very truly yours,

  
(Signature)

Richard Sellers, Acting U.S. Marshal  
(Name and Title)

Requested by: Chrissy Dinnerville, Criminal Program Specialist

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA )

v. )

1:13CR435-1

BRIAN DAVID HILL )

**JUDGMENT AND COMMITMENT**  
**Supervised Release Violation Hearing**

On September 12, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody

of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.

A handwritten signature in black ink, appearing to read "T. Court", is written over a horizontal line.

United States District Judge

October 4, 2019.